

If you have a trust account, you should read this...

Do You Know How to Ledger?

Whether you are a property manager or a broker, if you maintain a trust account, you know, per rule, you must have a check register (a.k.a. general journal), but did you know you must **also** keep ledgers? A ledger refers to a record for a specific transaction, owner and/or tenant, showing all money coming into and going out of the trust account.

Property Managers (or Brokers practicing property management) must have owner and tenant ledgers, while Brokers with trust accounts must have transaction ledgers.

(PLEASE NOTE: Property Managers are required to have a trust account; while Brokers, who are not practicing property management, may elect to use a trust account, but are not required to.)

Property Management Trust Account Ledgers

As of September 2007, the Administrative Rules of Montana were revised for property management trust account requirements. Property management trust accounts must have a ledger for each tenant and a ledger for each property owner.

ARM 24.210.805

(11) A ledger must be kept for each tenant showing all rents, deposits, and disbursements. The record entries must clearly identify the parties to a transaction, the dates, and the amounts received. When disbursing funds, the date, payee, and the amount must be shown. A running balance must be shown after each entry.

(12) A record must be kept for each property owner showing all income, expenses, and disbursements. The record entries must clearly identify the parties to a transaction, the date, and the amounts received. When disbursing funds, the date, the payee, and the amount must be shown. A running balance must be shown after each entry.

If you are a property manager, or a broker practicing property management, please review the ARM 24.210.805 in its entirety regarding trust accounting requirements located at www.realestate.mt.gov.

Broker Trust Account Ledgers

Brokers are still required to have transaction ledgers. The transaction ledgers must show the income and expenses as it pertains to a specific transaction.

ARM 24.210.426

(4)(j) A record shall be kept to show the receipts and the disbursements as they affect a single, particular transaction. The record must include the names of the parties to a transaction, the date, and the amounts received. When disbursing funds, the date, payee, and amount must be shown. A running balance must be shown after each entry;

Please review the ARM 24.210.426 in its entirety regarding trust accounting requirements located at www.realestate.mt.gov. Brokers, who also practice property management, please review the ARM 24.210.805 regarding property management trust accounting requirements located on the same website.

Broker & Property Manager Personal Fund's Ledger

Don't forget, you still need a personal fund's ledger if you have personal funds in the trust account. This applies to both Broker and Property Manager trust accounts. The Administrative Rules of Montana allow property managers and brokers to have up to \$1000 in personal funds in the trust account. This money is to be used ONLY for maintenance of the trust account (examples NSF fees, bank fees, etc.). The personal fund's ledger must have a debit/credit format with a running balance after each transaction.

Cite & Fines

M.C.A. 37-51-324. Penalty for failure to comply with trust account requirements.

(1) An employee of the department may issue a citation to a broker or property manager responsible for maintenance of a trust account for failure to comply with trust account maintenance requirements as provided by rule under [37-1-319](#)(4). The fine is \$50 for each cited violation. The person who is issued a citation may pay the fine or file a written dispute of the violation with the board within 5 business days of the date of issuance. A person who refuses to sign and accept a citation but who does not file a written dispute of the violation is demonstrating unprofessional conduct.

Complaints

Not all trust account violations will be cited and fined. Significant trust account violations shall be forwarded to the complaint screening panel. Significant violations may include:

- (a) an excessive number of violations in a single audit;
- (b) repeat violations; or
- (c) a single, severe violation.